

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MOISE MOISE NKUFI,

Petitioner,

v.

IMMIGRATION AND CUSTOMS  
ENFORCEMENT,

Respondent.

CASE NO. 2:24-cv-00018-RSM-GJL

ORDER SUBSTITUTING  
RESPONDENT, FILING OF THE  
RETURN AND STATUS REPORT,  
§ 2241 PETITION

Petitioner Moise Moise Nkufi, who is proceeding *pro se* and *in forma pauperis*, has filed a 28 U.S.C. § 2241 immigration habeas petition. Dkt. 6. Having reviewed the Petition, the Court **ORDERS** the following:

(1) Substitution of Respondent

Petitioner has named Immigration and Customs Enforcement (“ICE”) as Respondent for this action. However, the proper respondent for § 2241 petitions is “the person who has custody over [the petitioner],” not the agency employing that individual. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) (citing 28 U.S.C. §§ 2242, 2243). Petitioner represents that he is currently detained at the Northwest ICE Processing Center (*see* Dkt. 6), so the proper respondent

1 for this action is Drew Bostock, the Field Office Director in charge of that facility. Accordingly,  
2 the Clerk of Court is directed to substitute Field Office Director Drew Bostock as the  
3 Respondent in this action. The Clerk is also directed to update the case title.

4 (2) Service

5 If not previously accomplished, electronic posting of this Order and Petitioner's § 2241  
6 habeas petition shall effect service upon the United States Attorney of the Petition and all  
7 supporting documents. Service upon the United States Attorney is deemed to be service upon the  
8 named Respondents.

9 (3) Return

10 **Within 30 days of the date this Order is posted,** Respondent shall show cause why a  
11 writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. § 2243.  
12 As a part of such return, Respondent shall submit a memorandum of authorities in support of  
13 their position and should state whether an evidentiary hearing is necessary.

14 Respondent shall file the return with the Clerk of the Court and shall serve a copy upon  
15 Petitioner. The return will be treated in accordance with LCR 7. Accordingly, on the face of the  
16 return, Respondent shall note it for consideration on the fourth Friday after it is filed, and the  
17 Clerk shall note the return accordingly. Petitioner may file and serve a response not later than the  
18 Monday immediately preceding the Friday appointed for consideration of the matter, and  
19 Respondent may file and serve a reply brief not later than the Friday designated for consideration  
20 of the matter.

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1 (4) Change in Custody Status

2 If Petitioner's custody status changes at any point during this litigation, **Respondent**  
3 **shall file a status update with the Court as soon as possible and no later than 14 days after**  
4 **the change.**

5 The Clerk is directed to send copies of this Order to Petitioner and to the Honorable  
6 Ricardo S. Martinez.

7 Dated this 18th day of January, 2024.

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10 Grady J. Leupold  
11 United States Magistrate Judge  
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